

# Governor's American Indian Nations Council

Governor's Tribal Relations Training  
December 11, 2008 Presentation

# Purpose

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- The Governor's American Indian Nations Council (GAIN) Council, established in 2005 by Governor Schweitzer, is an innovation in governance designed to build and maintain productive and stable government-to-government relationships between the State and Tribal governments.

# GAIN Function

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- The GAIN Council functions as a policy forum, internal to the executive branch and centered in the Governor's Office, which (1) broadly guides and facilitates Governor Schweitzer's policies with regard to state-tribal relations, and (2) directly oversees state-tribal revenue sharing agreements and gaming negotiations.

# 2008 Governor's Tribal Leaders Summit

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# Need for the GAIN Council

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- Federal policies have historically been the drivers of poverty and social problems on the reservations. Many states in the past were supporters of these policies.
- This historical state-tribal antagonism continues to play out today in the form of legal and other conflicts which can undermine effective governance in Indian Country and perpetuate poor economic and social conditions.

# Need for the GAIN Council

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- Governor Schweitzer's policy is to shift from a history of state-tribal conflict, to constructive, long-term, government-to-government partnerships, through which all the citizens of Montana are effectively served.
- This shift requires a centralized body able to guide and facilitate the many state agency activities with the Tribes.

# Statutory Requirements

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- State law recognizes that there is a unique government-to-government relationship between state government and the eight tribal governments in Montana. § 2-15-142, MCA.



# Statutory Principles for State-Tribal Interactions

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- Cooperation and collaboration.
- Mutual understanding and respect.
- Regular and early communication [consultation].
- Accountability in addressing issues of mutual concern.
- Preservation of the state-tribal relationship [government-to-government].

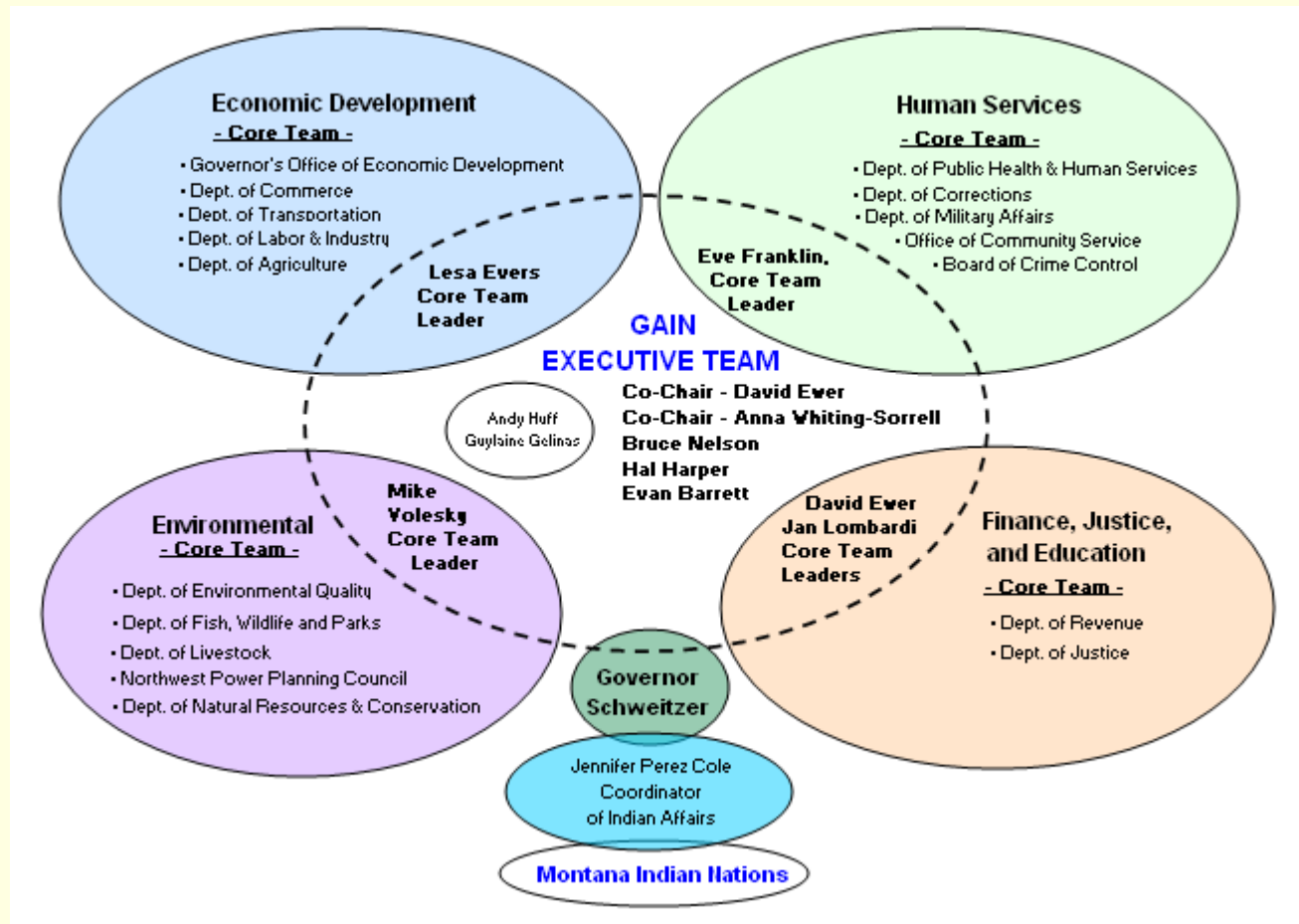


# Work Process

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- The GAIN Council works to implement the Governor's policies and statutory requirements for government-to-government relations.
- The Council works through existing state agency mechanisms, consulting closely with agency directors, attorneys and staff.
- The Council assists directly with negotiations, contract drafting, etc., where needed and appropriate.

# GAIN Council Organizational Chart



# GAIN Council Executive Team

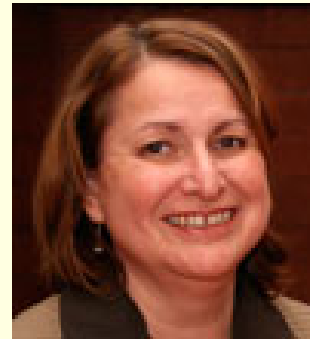
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The GAIN Council Executive Team consists of policy advisors to the Governor:

- Co-Chairs:



David Ewer  
Governor's Budget Director



Anna Whiting-Sorrel  
DPHHS Acting Director

- Bruce Nelson, Chief of Staff
- Hal Harper, Chief Policy Advisor
- Evan Barrett, Chief Business Officer

# GAIN Council Core Teams

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- The Council comprises four core teams associated with state government agencies in the areas of:
  - Economic Development
  - Human Services
  - Environmental
  - Finance, Justice and Education

# Economic Development Core Team

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Core Team Leader: Lesa Evers

Agencies:

- Governor's Office of Economic Development
- Department of Commerce
- Department of Transportation
- Department of Labor and Industry
- Department of Agriculture

# Human Services Core Team

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Core Team Leader: Eve Franklin

Agencies:

- Department of Public Health & Human Services
- Department of Corrections
- Department of Military Affairs
- Board of Crime Control
- Office of Community Service

# Environmental Core Team

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Core Team Leader: Mike Volesky

Agencies:

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources & Conservation
- Department of Livestock
- Northwest Power Planning Council

# Finance, Education, and Justice Core Team

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Core Team Leaders: David Ewer  
Jan Lombardi

Agencies:

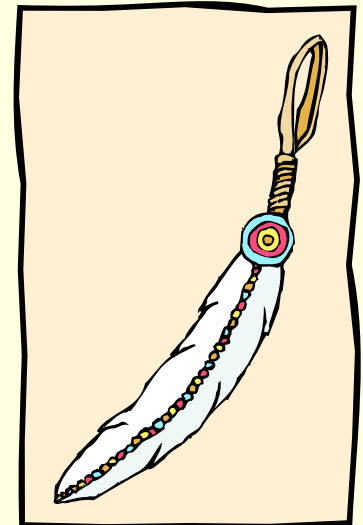
- Department of Revenue
- Department of Justice



# Coordinator of Indian Affairs Role

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- The Coordinator of Indian Affairs participates fully in GAIN Council discussions and decisions.
- The Coordinator is also responsible for external communications, protocol and diplomacy with the Indian Nations through the Governor's Office of Indian Affairs.



# Policies for State-Tribal Interactions

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- Maintain respectful and constructive government-to-government relationships with the eight tribal governments in Montana.
- Serve tribal members while respecting tribal sovereignty and history.



# Policies for State-Tribal Interactions

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- State-tribal agreements are to be negotiated government-to-government, not on a take it or leave it basis.
  - Make every effort to resolve disputes without resorting to litigation, and without impinging on the jurisdictional authority of either the Tribes or the State.

# Specific Policies/Activities by Subject Area

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- Economic development
- Environmental
- Human Services
- Taxes
- Education
- Justice

# Economic Development

Promote infrastructure development and highway construction; job and worker training; business development; energy development.



# Environmental

- Promote the negotiation and finalization of water compacts; ensure consultation with tribal governments with regard to park and historical site management; cooperative management, where appropriate, of fish, wildlife and livestock resources; cooperation, where appropriate, in the protection of environmental resources.



# Human Services

- Promote the effective delivery of the human services to tribal members via cooperative state-tribal agreements; ensure fair access to state-run programs without duplicating federal or tribal programs.

## **CHIP offers Native American families more choices**

**Did you know?** Native American children who receive most of their health care services at Indian Health Service and tribal health facilities can also be insured by Montana's Children's Health Insurance Plan (CHIP).

**That's right.** Children covered by CHIP can receive services from any participating CHIP provider, either within the tribal health system or from other providers.

**Families pay no out-of-pocket costs** for covered services provided to Native American children insured by CHIP. Parents simply mark on the CHIP application their children are Native American.

**More choices = better health care  
for Native American children**



**CHIP**  
Montana  
Children's Health Insurance Plan



For more information, or to request an application, please call toll-free

**1-877-KidsNow (543-7669)**

or visit us on the web at

**[www.chip.mt.gov](http://www.chip.mt.gov)**

# Taxes

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- Promote a fair allocation of state/tribal tax revenues through revenue sharing agreements.





# Education

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- Offers support with education initiatives.



# Justice

- Work with tribal governments and with the Montana Department of Justice with regard to cooperative law enforcement, tribal ID's and other issues.

**It's the law!**

## TRIBAL ID'S



**Montana Tribal ID Hotline**  
**1-800-332-2272**

For specific questions relating to a conservation, hunting or fishing license, contact the Montana Department of Fish, Wildlife & Parks.  
**(406) 444-2950**

For specific questions relating to titling of vehicles, contact the Montana Department of Justice.  
**(406) 848-6000**

For specific questions relating to the sale of alcohol or tobacco products, contact the Montana Department of Revenue.  
**1-800-859-2254**

Disclaimer: This poster is intended to assist the public and business owners in obtaining a basic understanding of the new tribal ID's. This poster does not constitute legal advice. If you have specific legal questions concerning the new tribal ID law, we recommend you request an attorney or use the state courted numbers listed on this poster.

As of **October 1, 2007**, Montana law requires that a tribal identification card be treated the same as a Montana identification card for identification purposes, including but not limited to:

- obtaining a conservation, hunting, or fishing license;
- recording titles to motor vehicles, trailers, semi-trailers, pole trailers, travel trailers, campers, motorboats, personal watercraft, sailboats, snowmobiles, and off-highway vehicles;
- applying for a concealed weapon permit;
- and purchasing alcohol and tobacco products.

For more information, visit the Montana Tribal ID website:  
<http://tribalid.mt.gov>



# What the GAIN Council Offers

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Consultation on:

- any new or changed agency initiative or contract with tribal governments
- Indian law questions
- problems that arise in implementing existing agreements or programs
- policy initiatives in Indian Country
- information concerning tribal governments

# GAIN Council Staff

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